



MARY E EBERLE
DIRECT DIAL: 414-225-1665
MEE@BOYLEFRED.COM

07-25-01

A
SUITE 1030
250 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202
PHONE: 414.225.9755 FAX: 414.225.9753
E-MAIL: MAIL@BOYLEFRED.COM

11011 U.S. PTO
09/912049
07/24/01

July 24, 2001

Director of the U.S. of Patent
and Trademark Office
Box Patent Application
Washington, D.C. 20231

Re: Utility Patent Application Transmittal
Inventor(s): Thomas G. Rehberger and John P. O'Neill
Title: *Direct-Fed Microbial*
Assignee: AgTech Products, Inc.
USPTO Customer Account No.: 23598
Attorney Docket No.: 362.003

Dear Sir:

Enclosed is our check in the amount of **\$695.00** in payment of the government filing fee for the enclosed United States patent application, which application includes **35** pages of specification, **4** pages of Bibliography, **40** claims on **7** sheets, **10** Drawings on **10** sheets, and an Abstract of the Disclosure. An *unexecuted* Declaration and an *unexecuted* Assignment is also enclosed. An executed Declaration and Assignment will be filed at a later date along with the late filing surcharge and Assignment recordation fee. A Fee Transmittal Form PTO/SB/17 (11/00) is also enclosed.

Applicant is a small entity within the meaning of 37 CFR §§ 1.9 and 1.27 and hereby claims small entity status.

I hereby request that the attached application **NOT** be published under 35 U.S.C. 122(b). An executed Request and Certification under 35 U.S.C. 122(b)(2)(B)(i) is also enclosed.

Director of the U.S. Patent
and Trademark Office
July 24, 2001
Page 2

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1170.

Respectfully submitted,

Mary E Eberle

Mary E. Eberle
Registration No. 43,599



23598

PATENT TRADEMARK OFFICE

Certification Under 37 CFR 1.10

Express Mail Label No: **EL647007881US**

Date of Deposit: **July 24, 2001**

I hereby certify that this paper or fee is being deposited with the United States Postal Service in "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Director of the U.S. Patent and Trademark Office, Box Patent Application, Washington, D.C. 20231.

Mary E Eberle

Mary E. Eberle

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT **(\$695)****Complete if Known**

Application Number _____
 Filing Date _____
 First Named Inventor **Rehberger**
 Examiner Name _____
 Group Art Unit _____
 Attorney Docket No. **362.003**

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number
Deposit
Account
Name

50-1170**Boyle Fredrickson Newholm Stein & Gratz
S.C.**

☐ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status
See 37 C.F.R. 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit Card ☐ Money
Order ☐ Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	355
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) **(\$355)****2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from Below	Fee Paid
40	-20**= 20	9	= 180
7	-3**= 4	40	= 160
Multiple Dependent			=

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) **(\$340)**

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Fee Code	Large Entity Fee (\$)	Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$0)

SUBMITTED BYName (Print/Type) **Mary E. Eberle**Registration No.
(Attorney/Agent)**43,599****Complete (if applicable)**

Telephone

(414) 225-9755

Signature

Date

July 24, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Washington, DC 20231

{00007874.DOC }

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Thomas G. REHBERGER and John P. O'NEILL

For: *Direct-Fed Microbial*

REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)

Director of the U.S. Patent
and Trademark Office
Washington, DC 20231

Sir:

I hereby certify that the invention disclosed in the attached *application has not and will not be* the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C 122(b).

Respectfully submitted,



Mary E. Eberle
Registration No. 43,599

Dated: July 24, 2001

BOYLE FREDRICKSON NEWHOLM
STEIN & GRATZ S.C.
250 Plaza, Suite 1030
250 East Wisconsin Avenue
Milwaukee, WI 53202
Telephone: (414) 225-9755
Facsimile: (414) 225-9753